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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE DISTRICT OF ARIZONA

In re

ROBERT V. LIGUORI and LENE D.
LIGUORI,

Debtor.

WELLS FARGO, N.A.,

Movant,

v.

ROBERT V. LIGUORI and LENE D.
LIGUORI, Debtors; S. William Manera,
Trustee,

Respondents.

No. 2:09-bk-25441-RJH

CHAPTER 7

OJECTION TO MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY

Re: Real Property Located at:
13670 E. Charter Oak Drive
Scottsdale, AZ 85259

Related DE No. 12

COMES NOW, ROBERT V. AND LENE D. LIGUORI ("Debtors"), by and
through their attorney undersigned, and for their Response to Movant's Motion to
Lift the Automatic Stay ("Response"), admit, deny, and allege as follows:

I.

Admit they are the Debtors in this Chapter 7 proceeding and that Movant,
upon information and belief, possesses a lien on 13670 E. Charter Oak Drive,
Phoenix, Arizona, 85259 ("Property").

...

1 II.

2 Admit that S. William Manera was appointed as Chapter 7 Trustee of the
3 bankruptcy Estate. Admit that they have an interest in the Property. Allege that
4 the Property is owner occupied.

5 III.

6 Allege that since the date the Movant's Motion was filed, the October
7 2009 payment has been made.

8 IV.

9 Allege that they have been participating in ongoing discussions with the
10 Movant about a possible loan modification.

11 V.

12 Allege that the Property is insured and has been since the date the they
13 petitioned for relief. Allege they do not possess a recent appraisal to utilize at the
14 final hearing, but it will procure such an appraisal.

15 VI.

16 Allege that the Property has a value exceeding the payoff amount set
17 forth in the loan documents.

18 VII.

19 Allege that the values set forth in the Debtors' schedules are based on
20 estimates made by the Debtors. The Debtors are not appraisers.

21 VIII.

22 Allege that the Debtors are not opposed to a modification of the stay to
23 permit the Movant and the Debtors to continue loan modification discussions.

24 IX.

25 Deny all other allegations in the Motion not previously responded to in this
26 Response.

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X.

Allege that the Motion fails to state a claim for which relief can be granted.

WHEREFORE, having fully responded to the Motion, the Debtors pray the same be denied and dismissed, for an award of its attorneys' fees and costs incurred herein, and for such other and further relief as the Court deems just, proper, and equitable.

DATED this 8th day of December, 2009.

CARMICHAEL & POWELL, P.C.

By: /s/ Joel F. Newell (State Bar No. 25296)

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Copies of the foregoing mailed via electronic mail and via first class mail this 8th day of December, 2009 to the following:

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P.O. Box 44350
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Chapter 7 Trustee

By: /s/ Jennifer France